

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

RICHARD D. MYERS, Bankruptcy trustee for  
the bankruptcy estate of Donna Jean  
Lunsford,

Plaintiff,

vs.

CREDIT BUREAU SERVICES, INC., and C.  
J. TIGHE,

Defendants.

**8:20CV141**

**MEMORANDUM AND ORDER**

This matter is before the Court on the plaintiff's motion for leave to amend the complaint. [Filing No. 125](#). The plaintiff seeks leave to amend the complaint to update allegations and facts on concrete injury and actual damages for the plaintiff and the class and to revise class definitions pursuant to the Eighth Circuit's opinion in [Bassett v. Credit Bureau Servs., Inc.](#), 60 F.4th 1132, 1134 (8th Cir. 2023).

[Fed. R. Civ. P. 15\(a\)](#) provides the leave to amend shall be freely given if justice so requires. Though this case has been pending for some time, the action was delayed as a result of the COVID-19 pandemic and stayed pending the appeal of the *Bassett* case. [Filing No. 117](#). The plaintiff asserts there are significant differences between this case and the *Basset* decision that are addressed in the amended complaint. The alleged conveyance of false information by the debt collector affords standing for redress of harm recognized by common law and specifically addressed in the FDCPA. [15 U.S.C. § 1692e](#).<sup>1</sup> The addition of Donna Lunsford to the caption can come as no surprise to the

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<sup>1</sup> Also, the informational injury alleged in the amended complaint has been recognized in recent opinions. See [Kelly v. RealPage Inc.](#), 47 F.4th 202, 211–12 (3d Cir. 2022); [Deutsch v. D&A Servs. LLC](#), No. 22-1042,

defendants because it has been clear from the onset that the debt collection practices related to Ms. Lunsford were at issue in the case.<sup>2</sup>

Defendant has not shown it will be prejudiced by the amendment. This case is still in the early stages of discovery. No depositions have been taken and the plaintiff has responded to discovery as to both Myers and Lunsford.

In the interest of justice, the Court finds the plaintiff's motion for leave to file an amended complaint should be granted.

IT IS ORDERED that:

1. The plaintiff's motion for leave to file a First Amended Complaint ([Filing No. 125](#)) is granted.
2. The plaintiff shall separately file a clean copy of the First Amended Complaint within three days of the date of this order.
3. The defendants shall answer or otherwise plead within 21 days thereafter.

Dated this 18th day of July, 2023.

BY THE COURT:

s/ Joseph F. Bataillon  
Senior United States District Judge

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2023 WL 2987568, at \*3 (3d Cir. Apr. 18, 2023); *Gebresewale v. Columbia Debt Recovery, LLC*, No. 2:19-CV-1909-DWC, 2023 WL 3204073, at \*7 (W.D. Wash. May 2, 2023); *Nelson v. Bank of Am., Nat'l Ass'n*, No. CV 23-0255, 2023 WL 3569972, at \*5–6 (E.D. Pa. May 18, 2023).

<sup>2</sup> Donna Lunsford is the named plaintiff in the original complaint and continues as a named party. She appears in the caption of the amended complaint to clarify her claims for damages and injunctive relief.